

Limitation Periods

How much time do you have to start a case for a legal claim in British Columbia?



What you should know

If you have a legal claim that can go to a court or a tribunal, the case almost always has to be started within a set period of time.

After this time runs out, a court or tribunal can refuse your claim, no matter how strong your case would have been.

The time limit is called a “limitation period”. It’s like a countdown. You have to start your case with the Civil Resolution Tribunal (CRT) or a court before it runs out.



Different limitation periods

Limitation periods are different for different claims. They often come from the *Limitation Act*. This law sets the countdown for many cases at 2 years.

But some claims have limitation periods shorter than 2 years. For example, the limitation period for a claim against a city or municipality might be as short as 30 days. They can also be longer. For example, you might have up to 10 years to enforce a court judgment.

Some claims don’t have limitation periods. For example, the countdown might not apply at all for claims for assault or sexual misconduct involving minors, people in intimate relationships, or people in dependent relationships.





Limitation periods and claims with the Civil Resolution Tribunal

There are some differences between starting a case in court, and starting a case with the Civil Resolution Tribunal (CRT).

When you start a case in court, your limitation period stops when you file your claim.

When you start a case with the Civil Resolution Tribunal, your limitation period is paused when the tribunal issues a Dispute Notice. The CRT will try to issue a Dispute Notice within 24 hours of receiving your Application for Dispute Resolution. But there may be circumstances where it takes longer.

If you think you are very close to the end of your limitation period and may not have time to start the CRT process, you may want to consider other options including court, or seeking legal advice. Information on finding legal advice is at the end of this information sheet.



Limitation periods during the CRT process

The limitation period won't run during the tribunal dispute resolution process.



Limitation periods after the CRT process

When the CRT proceeding ends, the limitation period may start to run again. This may be important to you if the CRT refuses to resolve your dispute. If this happens and you want to make your claim somewhere else, you may need to do it quickly before your limitation period runs out.





Extending the limitation period

A court or tribunal might decide to extend a limitation period, because the person with the claim couldn't have found out about it before the countdown finished.

A limitation period can also change if the person who caused the harm or loss does something to confirm the other person's right to make a claim.



Key questions

To avoid problems with limitation periods, it's best to answer these questions:

- How long is the limitation period for my claim?
- When did my limitation period start to count down?
- When will my limitation period run out?
- If the CRT process has ended, did my limitation period start to run again?

We can't answer these questions for you. You may want to ask for help from a lawyer to answer them. Information on finding legal advice is at the end of this information sheet.



Limitation periods and the Solution Explorer

The limitation period will be counting down while you use the Solution Explorer. You need to start your case with the CRT or a court before it runs out.





What you can do

Let's say you think you have a claim. But you aren't sure about the limitation period. Here are steps people might take in your situation:

1. Get help from a lawyer to learn about the limitation period.
2. Start the case as soon as possible – before there is any chance that time will run out.
3. Try to get more information about the limitation period that applies to the case.



Want more help?

You can learn more and find potential sources for help at:

- Clicklaw BC website (do a search on "limitation period") at [http://www.clicklaw.bc.ca/global/search?k=limitation period](http://www.clicklaw.bc.ca/global/search?k=limitation%20period)
- Canadian Bar Association BC website - Lawyer Referral at <http://www.cbabc.org/For-the-Public/Lawyer-Referral-Service>
- Canadian Bar Association BC website - Small Claims information at <http://www.cbabc.org/For-the-Public/Dial-A-Law/Scripts/Small-Claims-Court>

